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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,881	06/26/2001	John J. Voorhees	1718-010A	9061

7590 01/25/2005

BRADLEY N. RUBEN, PC
463 FIRST STREET
SUITE 5A
HOBOKEN, NJ 07030-1859

EXAMINER

WINSTON, RANDALL O

ART UNIT PAPER NUMBER

1654

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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0105

DATE MAILED:

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Commissioner for Patents

The reply filed on 11/05/2004 is not fully responsive to the prior Office Action of 06/03/2004 because of the following omission(s) or matter(s): Applicant originally presented claims 8-16 were examined over the art insofar as they read upon a composition comprising an EGF-R protein tyrosine kinase inhibitor admixed in a dermatologically suitable carrier. However, newly presented claims 17-20 are drawn to a different composition because Claims 17-20 claims different active ingredients than the original presented claims of 8-16. Therefore, newly submitted claims 17-20 are directed to an invention that is independent or distinct from the invention originally claimed. See 37 CFR 1.111.

Furthermore, Applicant originally presented claims 8-16 were examined over the art insofar as originally presented claims of 8-16 did not include the newly amended Markush Group of newly submitted claims of 8-16. Therefore, where only generic claims are first presented and prosecuted in an application in which no election of a single invention has been made, and applicant later presents species claims (i.e., the newly amended claims now claiming an Markush Group that were not presented in the original examined claims of 8-16) to more than one species of the invention, he or she must at that time indicate an election of a single species. The practice of requiring election of species in cases with only generic claims of the unduly extensive and burdensome is set forth in MPEP 808.01(a). Therefore, newly submitted amended claims of 8-16 are directed to an invention that is independent or distinct from the invention originally claimed. See 37 CFR 1.111.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE(1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37.1.136(a).

Susan D. Coe
1-14-05
SUSAN D. COE
PATENT EXAMINER